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May 6, 2011

Via ECF

Chambers,
Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: Estate of THERESA MANIACI-CANNI and the Estate of GEORGE CANNI, as owners and/or owners pro hac vice of the recreational vessel, UNCANNI, 2001 Hustler, for Exoneration from or Limitation of Liability
Index No.: 10-cv-00958 (LDW) (AKT)
Our client: Peter Sofia

Dear Judge Tomlinson:

We represent Peter Sofia, a claimant in the above Limitation of Liability action. This action arises out of a boating accident which occurred on October 4th, 2009 in the Great South Bay in which three (3) people died and others were severely injured including Mr. Sofia.

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By order dated March 31st, 2011 Judge Wexler endorsed a stipulation signed by all parties agreeing to a transfer of this matter to this Court for all purposes.

My purpose in writing is to request a conference with the Court regarding scheduling the completion of discovery. The parties have conducted substantial discovery in this matter including depositions of claimants, defendants and non-party witnesses, as well as having exchanged extensive paper discovery. Plaintiff Peter Sofia has also been examined by a physician designated by the Town of Hempstead. There have also been three (3) inspections of the vessel including its GPS system.

At the last inspection of the vessel on March 24th, 2011 our expert was unable to retrieve information from the vessel's GPS system; however, after doing further research it was determined by him that there maybe a method for doing so. This data may include information that relates to the vessel's speed and direction. The parties have agreed to conduct this inspection on May 10th, 2011.

There are also additional witnesses to be deposed. Although we conducted the depositions of a responding police officer over two days there is also another officer who played a significant role in the investigation of the accident. It may also be necessary to depose the officer(s) who took the photographs of the accident scene. Also, with regard to the location of buoys, there are two (2) other witnesses from the Town of Hempstead which we would like to depose. The parties are working on scheduling these dates as well.

Accordingly, the parties would like to schedule a conference with the court to address the completion of discovery. The Court's order of February 2nd, 2011 provides for a May 11th cut off date for all discovery. The parties would like to extend that date so that we can conduct the remaining depositions and attempt the retrieval of the data from the GPS system.

This is a second request to extend discovery. We believe that such an extension will allow all parties to complete discovery.

Thank you.

Respectfully submitted

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By: 
FRANK V. FLORIANI

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